UNITED STATES PATENT AND TRADEMARK OFFICE

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10/038,142	10/22/2001	Ali J. Tabatabai	80398.P433	7456

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EXAMINER
BENGZON, GREG C

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 May 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-90* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-90* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

This application has been examined. Claims 1-90 (as amended in Preliminary

Amendment received on April 24, 2002) are pending. The Applicant, in Amendments

submitted on 5/12/2005, has amended the claims to more particularly point out that

Applicant's claimed access units are used to update multimedia descriptions. The

Examiner notes that Claims 1, 10, 12, 22, 26, 31, 40, 42, 52, 56, 61, 70, 72, 82, and 86

have been amended accordingly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b),
by another filed in the United States before the invention by the applicant for patent or (2) a
patent granted on an application for patent by another filed in the United States before the
invention by the applicant for patent, except that an international application filed under the treaty
defined in section 351(a) shall have the effects for purposes of this subsection of an application
filed in the United States only if the international application designated the United States and
was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-35, 37-65,67-90 (as amended in Preliminary Amendment received

on April 24, 2002) are rejected under 35 U.S.C. 102(e) as being anticipated by Basso

et al. (US Patent 6751623), hereinafter referred to as Basso.

With respect to Claim 1, Basso discloses a method comprising: forming an

access unit comprising a fragment update, (Figures 1-2, Column 1 Lines 55-65,

Column 3 Lines 30-40) the fragment update comprising a fragment update command;

and forming an encoded data stream from the access unit.(Column 25 Lines 50-

60,Column 27 Lines 10-65, Column 28 L1-15)

With respect to Claim 2, Basso discloses the method of claim 1 wherein the

fragment update command is selected from the group consisting of add, delete, change,

and reset commands. (Column 1 Lines 55-60, Column 2 Lines 1-10)

With respect to Claim 3, Basso discloses the method of claim 1 wherein the

fragment update further comprises a value. (Column 8 Lines 30-65)

With respect to Claim 4, Basso discloses the method of claim 1 wherein the

fragment update further comprises a fragment reference wherein the fragment

reference is a pointer to a fragment to be used by the fragment update command.

(Column 8 Lines 30-65)

With respect to Claim 5, Basso discloses The method of claim 4 wherein the

fragment reference is a uniform resource identifier (URI). (Column 8 Lines 45-50)

With respect to Claim 7, Basso discloses the method of claim 1 wherein the

fragment update further comprises a payload. (Column 27 Lines 25-30)

With respect to Claim 8, Basso discloses the method of claim 4 wherein the

fragment is in a first node. (Figure 1-2, Column 10 Lines 45-65)

With respect to Claim 9, Basso discloses the method of claim 8 wherein the

fragment reference is in a second node and the first node and the second node are the

same node. (Figure 1-2, Column 10 Lines 45-65)

With respect to Claim 10, Basso discloses the method of claim 9 wherein the

first node and the second node are in a Moving Picture Experts Group (MPEG)

description. (Figure 1-2, Column 10 Lines 45-65)

With respect to Claim 11, Basso discloses the method of claim 8 wherein the

fragment reference is in a second node and the first node and the second node are

different nodes. (Figure 1-2, Column 10 Lines 45-65)

With respect to Claim 12, Basso discloses the method of claim 11 wherein the

first node and the second node are in a Moving Picture Experts Group (MPEG)

description. (Figure 1-2, Column 10 Lines 45-65)

With respect to Claim 13, Basso discloses the method of claim 1 further

comprising: determining if a multimedia description corresponding to the access unit

has changed; identifying a changed portion of the multimedia description and a

corresponding access unit; and forming the fragment update to correspond to the

changed portion of the multimedia description. (Column 25 Lines 50-65)

With respect to Claim 14, Basso discloses the method of claim 1 further

comprising: associating the access unit with a partial description. (Column 25 Lines

35-40)

With respect to Claim 15, Basso discloses The method of claim 14 wherein the

partial description comprises an instance of a descriptor. (Column 25 Lines 35-40)

With respect to Claim 16, Basso discloses the method of claim 1 further

comprising: associating the access unit with a reset point that contains a fragment that

forms a complete description. (Column 27 Lines 10-65, Column 28 Lines 1-10)

With respect to Claim 17, Basso discloses the method of claim 4 wherein the,

fragment is stored on a different system than a system performing the method of claim

1. (Column 7 Lines 25-40)

With respect to Claim 18, Basso discloses the method of claim 1 wherein the

access unit corresponds to a description, and further comprising: transmitting the

encoded data stream while the description is static. (Column 27 Lines 25-40)

With respect to Claim 19, Basso discloses the method of claim I wherein the

access unit corresponds to a description, and further comprising: transmitting the

encoded data stream while the description is dynamic. (Column 27 Lines 25-40)

With respect to Claim 20, Basso discloses the method of claim 1 further

comprising: transmitting a data for decoding to a decoder. (Column 7 Lines 15-20)

With respect to Claim 21, Basso discloses the method of claim 20 wherein the

data include schemas defining a description data to be transmitted. (Column 27 Lines

10-65)

With respect to Claim 22, Basso discloses a method comprising: receiving an

access unit comprising a fragment update, (Figures 1-2, Column 1 Lines 55-65,

Column 3 Lines 30-40) wherein the fragment update comprises a command and a first

fragment reference, and wherein the first fragment reference is a pointer to a first

referenced fragment in a first node. (Column 25 Lines 50-60, Column 27 Lines 10-65,

Column 28 L1-15)

With respect to Claim 23, Basso discloses the method of claim 22 wherein the

first referenced fragment is a partial description. (Column 25 Lines 35-40)

With respect to Claim 24, Basso discloses the method of claim 22 further

comprising: comparing the first referenced fragment to a stored fragment; and obtaining

the stored fragment if the stored fragment is the first referenced fragment. (Figure 6

Column 17 Lines 5-30)

With respect to Claim 25, Basso discloses the method of claim 22 wherein the

first fragment reference is in hyper-text transfer protocol (HTTP). (Column 7 Lines 1-

40)

With respect to Claim 26, Basso discloses the method of claim 22 wherein the

access unit is a part of a Moving Picture Expert Group (MPEG) description. (Figure 1-2,

Column 10 Lines 45-65)

With respect to Claim 27, Basso discloses the method of claim 22 further

comprising: identifying a second node which the command affects; and identifying a

second fragment reference which the first fragment reference points to, wherein the

second fragment reference points to the first referenced fragment. (Figure 1-2, Column

10 Lines 45-65)

With respect to Claim 28, Basso discloses the method of claim 22 wherein the

fragment update further comprises a payload. (Column 27 Lines 25-30)

With respect to Claim 29, Basso discloses The method of claim 27, wherein the

second fragment reference points to a second referenced fragment within the first node,

(Figure 1-2, Column 10 Lines 45-65) further comprising: replacing the first fragment

reference with a third fragment reference pointing to the second referenced fragment.

(Column 25 Lines 50-65)

With respect to Claim 30, Basso discloses the method of claim 27, wherein the

second fragment reference points to a second referenced fragment within the first node,

(Figure 1-2, Column 10 Lines 45-65) further comprising: replacing the first fragment

reference with a third fragment reference pointing to a third referenced fragment within the second node. (Column 25 Lines 50-65)

With respect to Claims 31-35, 37-51, the Applicant describes a computer readable medium containing computer executable instructions to perform the method described in Claims 1-21, said instructions having the same limitations as described in Claims 1-21. Claims 31-35, 37-51 are rejected on the same basis as Claims 1-21, as applied above.

With respect to Claims 61-65, 67-81, the Applicant describes a system having the same limitations as described in Claims 1-21. Claims 61-65, 67-81 are rejected on the same basis as Claims 1-21, as applied above.

With respect to Claims 52-60, the Applicant describes a computer readable medium containing computer executable instructions to perform the method described in Claims 22-30, said instructions having the same limitations as described in Claims 22-30. Claims 52-60 are rejected on the same basis as Claims 22-30, as applied above.

With respect to Claims 82-90, the Applicant describes a computer readable medium containing computer executable instructions to perform the method described in Claims 22-30, said instructions having the same limitations as described in Claims 22-30. Claims 82-90 are rejected on the same basis as Claims 22-30, as applied above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

Claims 6, 36, and 66 rejected under 35 U.S.C. 103(a) as being unpatentable over

Basso et al. (US Patent 6751623), hereinafter referred to as Basso , as applied to

Claims 1-5, 7-35, 37-65,67-90 above, and further in view of Srivastava et al. (US Patent

6549922), hereinafter referred to as Srivastava , further in view of the W3C

Organization Press Release titled 'W3C Issues XSL Transformations (XSLT) and XML

Path Language (XPath) as Recommendations', and the XPath Specifications document

referenced therein, dated November 16 1999.

With respect to Claims 6, 36, and 66, Basso substantially discloses the

limitations as described in the said claims.

However Basso does not disclose a fragment reference that is in Xpath

(extensible markup language path language).

XPath is a language for addressing parts of an XML document, designed to be used by both XSLT and Xpointer. XPath gets its name from its use of a path notation as in URLs for navigating through the hierarchical structure of an XML document. In addition to its use for addressing, XPath is also designed so that it has a natural subset that can be used for matching (testing whether or not a node matches a pattern). Using XPath functions can reduce the amount of programming required when a system receives the XML data.

Srivastava discloses of a method for representing multimedia content using a standard data representation format using XML. Srivastava extracts data from the multimedia content and forms metadata for said content. The said metadata may reference URL of Internet data which contains externally located metadata which describes the media file. Srivastava also provides a graphical user interface for editing the media file and the metadata. (Column 3 Lines 1-60)

Basso and Srivastava are analogous art because they present concepts and practices regarding data representation for multimedia content. The Examiner respectfully suggests that it would have been obvious to a person of ordinary skill in the art to combine the teachings of Srivastava into Basso , such that the metadata for the media content in the fragment references of Basso are represented using the XML format. The suggested motivation for combining Srivastava with Basso would have

been, as Srivastava suggests, in order to take advantage of the XML standard for facilitating automated media management solutions. Currently, Srivastava writes, there is no unified way of capturing and using MPEG-7 metadata in application programs. Instead, special-purpose routines must be written by the application programmer to handle each of the wide variety of metadata storage techniques used by different proprietary media formats. (Column 1 Lines 30-35) By using a well-defined XML structure, a unified representation for the metadata is achieved. (Column 7 Lines 60)

However Srivastava does not disclose using XPath with XML documents, such that the references contained in the XML document can be located, filtered, matched, or transformed using XPath functions.

The W3C Press Release announces the creation and availability of the XPath language specifications. Together with XSLT, XPath makes it possible for XML documents to be reformatted according to the parameters of the XSL style sheets, and build presentation flexibility into the XML architecture.

The Examiner respectfully suggests that it would have been obvious to use XPath in the XML documents as taught by the combination of Srivastava and Basso , such that the parts of the XML documents are easily matched, filtered, or transformed according to a specified rule or condition. The suggested motivation for combining XPath into the combined teachings of Srivastava and Basso would have been, as the

W3C press release suggests, to facilitate delivery of rich, structured data content to a wider range of devices.

Therefore it would have been obvious to combine XPath into the combined teachings of Srivastava and Basso , in order to obtain the invention as described in Claims 6, 36, and 66.

Response to Arguments

Applicant's arguments filed 05/12/2005 have been fully considered but they are not persuasive. The reasons for non-persuasiveness are set forth below.

The Examiner's objection regarding the Applicant Drawings are withdrawn.

The Examiner maintains the U.S.C 102(e) rejection for Claims 1-5, 7-35, 37-65,67-90 .

Claims 1-5, 7-35, 37-65,67-90 (as amended in Preliminary Amendment received on April 24, 2002 and further amended on 05/12/2005) are rejected under 35 U.S.C. 102(e) as being anticipated by Basso et al. (US Patent 6751623), hereinafter referred to as Basso.

The Applicant suggests that in contrast to Basso, Applicant's claimed access units are used to update multimedia descriptions. As well known in the art, the description of multimedia content is not the same as the multimedia content itself. While Basso discloses using metadata to describe the audio-video data, Basso does not teach or suggest that his access units can be used to update the metadata.

The Examiner respectfully disagrees with the Applicant. In Column 25 Lines 35-50 Basso states that 'The segment data could include access units that belong to a single object or to multiple objects, object descriptors only, object content information (OCI) data only, or scene description data only.....Another aspect of this segment-based approach is the separation between the access tables and the actual media data itself.' The Examiner is thus forced to conclude that Basso is referring to manipulating multimedia data other than the actual media data itself. In Column 4 Lines 55-65, Basso states that '...scene description information is provided separately, defining the spatio-temporal location of these objects in the final scene to be presented to the user....In contrast to VRML, scene descriptions can be dynamically updated.' The Examiner is thus forced to conclude that Basso used access units to update multimedia descriptions.

The Examiner maintains the U.S.C. 103(a) rejection for Claims 6, 36, and 66.

Claims 6, 36, and 66 rejected under 35 U.S.C. 103(a) as being unpatentable over Basso et al. (US Patent 6751623), hereinafter referred to as Basso , as applied to

Claims 1-5, 7-35, 37-65,67-90 above, and further in view of Srivastava et al. (US Patent

6549922), hereinafter referred to as Srivastava , further in view of the W3C

Organization Press Release titled 'W3C Issues XSL Transformations (XSLT) and XML

Path Language (XPath) as Recommendations', and the XPath Specifications document

referenced therein, dated November 16 1999.

The Applicant suggests that because Basso does not disclose the use of access

units to update multimedia descriptions as claimed, either Srivastava or the W3C press

release must do so to have a prima facie case of obviousness for claims 6, 36 and 66.

However, neither Srivastava nor the W3C press release teach or suggest access units

as claimed.

In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

The Examiner respectfully disagrees with the Applicant. In Column 25 Lines 35-

50 Basso states that 'The segment data could include access units that belong to a

single object or to multiple objects, object descriptors only, object content information

(OCI) data only, or scene description data only.....Another aspect of this segment-

based approach is the separation between the access tables and the actual media

data itself.' The Examiner is thus forced to conclude that Basso is referring to

manipulating multimedia data other than the actual media data itself. In Column 4

Lines 55-65, Basso states that '...scene description information is provided separately,

defining the spatio-temporal location of these objects in the final scene to be presented

to the user....In contrast to VRML, scene descriptions can be dynamically updated.'

The Examiner is thus forced to conclude that Basso used access units to update

multimedia descriptions.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

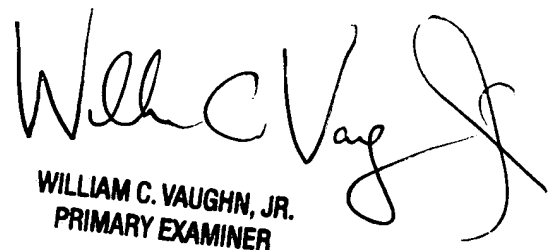than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571)272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb

WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER